

IN THE DISTRICT COURT IN AND FOR MUSKOGEE COUNTY  
STATE OF OKLAHOMA

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COUNTY OF MUSKOGEE

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PAULA SEXTON  
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RE'AUDREY MAXWELL, individually, )  
and as parent and next friend of )  
RAHEEM MURPHY, a minor, )

Plaintiff, )

vs. )

MGA INSURANCE COMPANY, INC., )  
a Texas Corporation, )

Defendant. )

Case No. CJ-2013-15

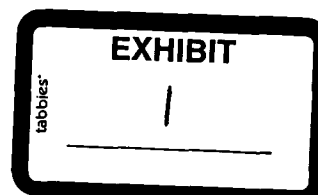
**PETITION FOR DAMAGES**

COMES NOW the Plaintiff, RE'AUDREY MAXWELL, individually, and as parent and next friend of RAHEEM MURPHY, a minor, and for her causes of action against the Defendant, MGA INSURANCE COMPANY, INC. a Texas Corporation; alleges and states as follows:

1. That the Plaintiff is a resident of Tulsa County, State of Oklahoma; and, that Defendant, MGA INSURANCE COMPANY, INC., is an insurance company organized and existing under the laws of Texas and licensed to do business in the State of Oklahoma. That the complaint alleged herein occurred in Muskogee County, State of Oklahoma, and that this Court has jurisdiction over the parties and the subject matter herein.

**FIRST CAUSE OF ACTION**

2. On April 8, 2012, on SH16, approximately 4 miles West of Jess Dunn, near Muskogee, Oklahoma, an unidentified hit and run driver negligently drove his vehicle into the vehicle being operated by Plaintiff, RE'AUDREY MAXWELL, and which was occupied as a passenger by minor Plaintiff, RAHEEM MURPHY.



3. As a result of the negligence of the unidentified hit and run driver, Plaintiff, RE'AUDREY MAXWELL, was injured and her injuries are permanent, painful and progressive. When injured, Plaintiff, RE'AUDREY MAXWELL, was 20 years of age with a life expectancy of 56.6 more years according to the U. S. Census Bureau, Statistical Abstract of the United States: 2003.

4. As a result of the injuries, Plaintiff, RE'AUDREY MAXWELL, has and will incur medical expenses, has and will suffer pain of mind and body and has had his earning capacity impaired.

5. That, at the time of the collision, MGA INSURANCE COMPANY, INC., had a policy of insurance on the 1995 Buick Century automobile being driven by the Plaintiff, RE'AUDREY MAXWELL, that had uninsured/under-insured motorists coverage in an amount of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) per person and FIFTY THOUSAND DOLLARS (\$50,000.00) per accident. The policy number is 40MGEP0010730-01. Plaintiff is entitled to recover from MGA INSURANCE COMPANY, INC. on the policy of insurance in the amount of \$25,000.00.

### **SECOND CAUSE OF ACTION**

1. **COMES NOW** the Plaintiff, RE'AUDREY MAXWELL, as parent and next friend of RAHEEM MURPHY, a minor, and for the SECOND CAUSE OF ACTION, hereby re-adopts and re-alleges the allegations contained within paragraphs 1-5 of the FIRST CAUSE OF ACTION as if fully restated herein, and further states and alleges as follows:

2. That the minor child of the Plaintiff, RAHEEM MURPHY, was a passenger in the automobile driven by his mother, RE'AUDREY MAXWELL.

3. As a result of the negligence of an unidentified hit and run driver, minor Plaintiff, RAHEEM MURPHY, was injured and his injuries are permanent, painful and progressive. When injured, minor Plaintiff, RAHEEM MURPHY, was 1 year of age with a life expectancy of 68.4 more years according to the U. S. Census Bureau, Statistical Abstract of the United States: 2003.

4. As a result of the injuries, minor Plaintiff, RAHEEM MURPHY, has and will incur medical expenses, has and will suffer pain of mind and body, has sustained permanent injury and has had his earning capacity impaired.

**WHEREFORE**, Plaintiff, RE'AUDREY MAXWELL, as parent and next friend of RAHEEM MURPHY, a minor, pray for judgment against the Defendant, MGA INSURANCE COMPANY, INC., in the amount of \$25,000.00 for personal injuries, together with the costs of this action.

### **THIRD CAUSE OF ACTION**

1. **COMES NOW** the Plaintiff, RE'AUDREY MAXWELL, as parent and next friend of RAHEEM MURPHY, a minor, and for the THIRD CAUSE OF ACTION hereby restates and re-alleges the allegations contained within paragraphs 1-5 of the FIRST CAUSE OF ACTION and paragraphs 1-4 of the SECOND CAUSE OF ACTION as if fully re-stated herein, and further state and allege as follows:

2. That as a result of the negligence of an unidentified hit and run driver, Plaintiff's minor child, RAHEEM MURPHY, was injured. As a result of the injuries, Plaintiff, RE'AUDREY MAXWELL, has and will incur medical expenses on behalf of said minor child and has and will suffer both emotional and mental pain and anguish.

**WHEREFORE**, Plaintiff, RE'AUDREY MAXWELL, prays for judgment against the Defendant, MGA INSURANCE COMPANY, INC., in the amount of \$25,000.00 for personal injuries, together with the costs of this action.

**FOURTH CAUSE OF ACTION**

1. **COMES NOW** the Plaintiff, RE'AUDREY MAXWELL, individually, and as parent and next friend of RAHEEM MURPHY, a minor, and for the FOURTH CAUSE OF ACTION hereby restates and re-alleges the allegations contained within paragraphs 1-5 of the FIRST CAUSE OF ACTION; paragraphs 1-4 of the SECOND CAUSE OF ACTION; and, paragraphs 1-2 of the THIRD CAUSE OF ACTION as if fully re-stated herein, and further state and allege as follows:

2. On or about November 5, 2012, Plaintiff sent a demand for settlement to the Defendant setting forth all injuries as well as all medical expenses. Additionally, the complete medical records of Plaintiff's injuries were forwarded. That since that time, the Defendant has failed to make any offers of settlement whatsoever, evidencing its bad faith in dealing with its insured, RE'AUDREY MAXWELL.

3. That as a result of the gross wilful and wanton disregard of the rights of its insured, Re'Aurdey Maxwell, the Plaintiff, RE'AURDEY MAXWELL, is entitled to actual damages as well as punitive damages under the recognized tort of bad faith for which the Plaintiff is entitled actual damages as well as punitive damages in the amount of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00).

**WHEREFORE**, Plaintiff prays for judgment against the Defendant, MGA INSURANCE COMPANY, INC., in the amount of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) together with the costs of this action.

Respectfully submitted,

***SMOLEN & SMITH***

By:



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**ATTORNEYS LIEN CLAIMED**

***Attorneys for Plaintiff***